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REPORT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 184967 DJJ/AYB/fxc	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/NZ2003/000138	International Filing Date (day/month/year) 2 July 2003	Priority Date (day/month/year) 16 July 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 B65D 5/32, 5/68		
Applicant CARTER HOLT HARVEY LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 7 sheet(s).

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 21 January 2004	Date of completion of the report 27 October 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  ADRIANO GIACOBETTI Telephone No. (02) 6283 2579

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/NZ2003/000138

Basis of the report

With regard to the elements of the international application:*

the international application as originally filed.

the description, pages 1, 4, 6-9 as originally filed,
pages , filed with the demand,
pages 2, 3, 5 received on 28 May 2004 with the letter of 28 May 2004

the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 10-13 received on 28 May 2004 with the letter of 28 May 2004

the drawings, pages 1/7-7/7 as originally filed,
pages , filed with the demand,
pages , received on with the letter of

the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

the description, pages

the claims, Nos.

the drawings, sheets/fig.

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/NZ2003/000138

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-26	YES
	Claims	NO
Inventive step (IS)	Claims 1-26	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-26	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Cited Prior Art Documents

- (D1) US 6352199 B1 (GARDNER) 5 March 2002
- (D2) US 3099379 A (STEASE) 30 July 1963
- (D3) US 3863831 A (WOZNIAKCI et al.) 4 February 1975
- (D4) WO 2000/035762 A1 (TOMA TRADE, S.R.O.) 22 June 2000
- (D5) US 4449633 A (JOHNSON et al.) 22 May 1984
- (D6) EP 218186 B1 (ALTONAER WELLAPPENFABRIK GMBH) 9 January 1991
- (D7) US 4197789 A (MOEN) 15 April 1980

NOVELTY(N) and INVENTIVE STEP(IS): Claims 1-26 (YES)

The invention of claim 1 relates to a lidded container erected or erectable from four blanks. An unlidded container is erected from three blank components and a fourth blank that defines a lidding panel with attachment flaps to extend and adhesively be affixed to the top of the end wall panels and the side wall panels of the assembled container and filled container. The fourth blank also having the lidding panel at least in part with perforate and/or frangible zones to encourage tear opening thereof. The separate lidding feature allows for greater seam strength in the seams between the lid and the up standing walls of the container.

Notwithstanding the observations make in Box VIII, it is considered that none of the individual documents above disclose or fairly teach the all the features of the lidded container. Also the invention of combining a bliss-style container, separate lid and a perforate zone would not be obvious to an non-inventive person and hence could be considered to involve an inventive step.

Hence the invention of claims 1 to 26 is considered to be novel and involve an inventive step over these individual documents.

INDUSTRIAL APPLICABILITY(IA): Claims 1-26 (YES)

The invention as defined in claims 1 to 26 is considered to meet the requirements of industrial applicability under Article 33(4) of the PCT because the lidded container can be made or used in industry.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Independent claim 9 does not fully define the invention. It is considered that lidding panel having a part with perforate and/or frangible zones to encourage tear opening thereof is an essential feature of the invention. The feature of the lidding panel was included in amended claim 1 but has not been included in this claim.
2. Claim 24 also lacks clarity as to monopoly being sought. The subject matter is directed to "**In any machine line, the capability of erecting to the extent required...**". It is not clear that this omnibus type claim is referring back to the subject matter of the container of claim 1, or the machine line of claim 9, or to "the capability". If it is directed to the capability, then the particular features that comprise the capability are unclear.
3. Claims 1 and 9 lack clarity due the expression "bodybody" (page 10, line 6 and page 11, line 9, respectively).

SUMMARY OF THE INVENTION

In a first aspect the present invention is a container erected or erectable from blank components preferably to define a container adapted for transporting chilled meat or like unfrozen products, said container being erected or erectable from

5 a first blank to define a side wall type bliss container wrap component to define a rectangular base panel and end wall panels dependent therefrom, the base and each end wall panel having laterally (lateral with respect to the elongate axis of the base) extending flaps to allow the first blank's use as a side wall type bliss container wrap component,

10 a second blank to define a full height side wall panel and a partial yet full height end wall attachment and/or reinforcement panel at each end of the side wall panel,

a third blank similar to the second blank, and

15 a fourth blank to define a lidding panel with attachment flaps to extend and adhesively be affixed to the top of the end wall panels and the side wall panels, said fourth blank having the lidding panel at least in part with perforate and/or frangible zones to encourage tear opening thereof.

Preferably the blank components are all of, at least in part, a paperboard or like laminate e.g. single or multiple cushion corrugated board.

Preferably the first, second and third blanks are erected and/or former held for filling prior to fixing of the forth blank thereto.

20 Preferably the second and third blanks are adapted to bear vertically (in a flute run direction) anticipated stack loads of the meat or like filled erect containers.

Preferably the first blank, second blank, third blank, and/or fourth blank is substantially as hereinafter described with reference to any one of Figures 1A to 1DDD.

25 Preferably the container erects to a form substantially as hereinafter described with reference to Figures 1A through 3.

In a further aspect the present invention consists in a machine line for erecting (at least in part) two types of container, the machine line being adapted in one mode preferably to define a container adapted for transporting chilled meat or like unfrozen products, said container being erected or erectable from at least

a first blank to define a side wall type bliss container wrap component to define a rectangular base panel and end wall panels dependent therefrom, the base and each end wall panel having laterally (lateral with respect to the elongate axis of the base) extending flaps to allow the first blank's use as a side wall bliss container wrap component,

5 a second blank to define a full height side wall panel and a partial yet full height end wall attachment and/or reinforcement panel at each end of the side wall panel,

a third blank similar to the second blank, **and**

the machine being adapted **in a second mode** preferably to define a container adapted for transporting frozen meat or like frozen products, said container being erected or erectable
10 from at least

a first blank to define a side wall type bliss container wrap component to define a rectangular base panel and end wall panels dependent therefrom, the base and each end wall panel having laterally (lateral with respect to the elongate axis of the base) extending flaps to allow the first blank's use as a side wall bliss container wrap component,

15 a second blank to define a full height side wall panel and a partial yet full height end wall attachment and/or reinforcement panel at each end of the side wall panel, **and**

a third blank similar to the second blank,

and wherein, in each of the modes, the container is adapted to be closed (once filled) by a fourth blank to define a lidding panel with attachment flaps to extend and adhesively be
20 affixed to the top of the end wall panels and the side wall panels,

and wherein, in the first mode, the construction of the second and third blanks is more substantial than in the second mode with respect to

- 1) the extent of the end wall attachment and/or reinforcement panel at each end of the side wall panel,
- 2) the material from which the second and third blanks are formed, or
- 3) both (1) and (2).

Preferably the machine line is in or includes a fill line, i.e. the line first erects (at least in part) a carcase (e.g. of first, second or third blanks), fills the carcase, and closes it with a fourth blank.

30 Preferably in each mode the first blank is identical.

In still a further aspect the present invention consists in a fill line which includes in the fill line a machine adapted first to erect a carcase to be filled of a mode 1 and/or mode 2 type container and, post filling, to allow the fitting of the lidding feature thereto. The fitting of the lid can be manually or with the assistance of machinery.

5 In still a further aspect the present invention consists in, in any machine line, the capability of erecting to the extent required for filling with produce any container or container sub-assembly of the two types herein described with reference to any one or more of the accompanying drawings and thereafter lidding each such container or container sub-assembly when so filled.

10 Reference herein to "filling" preferably includes partial filling but preferably for best conferring of strength, at least in the frozen meat or the like produce packs, there is a substantial filling.

As used herein the term "and/or" means "and" or "or", or both as the circumstance allows:

15 As used herein the term "(s)" means the plural and/or singular forms of that noun.

In still another aspect the present invention consists in a pack produced from blanks in accordance with the present invention, in line using a machine line of the present invention, using a machine as previously referred to or using, in any machine line, the capability referred hitherto as the invention.

20 **BRIEF DESCRIPTION OF THE DRAWINGS**

A preferred form of the present invention will now be described with reference to the accompanying drawings in which;

25 **Figure 1A** is a plan view of a first blank to define a side wall type bliss container wrap component to define a rectangular base panel and end wall panels dependent therefrom, the base and each end wall panel having laterally extending flaps to allow its use as such a side wall bliss container wrap component,

Figure 1B is a second blank to define a full height side wall panel and a partial yet full height end wall attachment and/or reinforcement panel at each end of the side wall panel,

30 **Figure 1C** is a similar component to that of Figure 1B but to define the other side wall of the erected container,

CLAIMS:

1. A container erected or erectable from blank components to define a container said container being erected or erectable from

5 a first blank to define a side wall type bliss container wrap component to define a rectangular base panel and end wall panels dependent therefrom, the base and each end wall panel having laterally (lateral with respect to the elongate axis of the base) extending flaps to allow the first blank's use as a side wall type bliss container wrap component,

a second blank to define a full height side wall panel and a partial yet full height end wall attachment and/or reinforcement panel at each end of the side wall panel,

10 a third blank similar to the second blank, and

a fourth blank to define a lidding panel with attachment flaps to extend and adhesively be affixed to the top of the end wall panels and the side wall panels, said fourth blank having the lidding panel at least in part with perforate and/or frangible zones to encourage tear opening thereof.

15 2. A container of claim 1 adapted for or at least suitable for transporting chilled meat or like unfrozen products.

3. A container of claim 1 or 2 wherein the blank components are all of, at least in part, a paperboard or like laminate.

20 4. A container of any one of the preceding claims wherein at least one of the blank components is of a single or multiple cushion corrugated board.

5. A container of any one of the preceding claims wherein the first, second and third blanks are erected and/or former held for filling prior to fixing of the forth blank thereto.

25 6. A container of any one of the preceding claims wherein the second and third blanks are of a corrugated board material adapted to bear vertically (in a flute run direction of the corrugated board material) anticipated stack loads of the meat or like filled erect containers.

7. A container of any one of the preceding claims wherein the first blank, second blank, third blank, and/or fourth blank is substantially as herein described with reference to any one of Figures 1A to 1DDD.

30 8. A container of any one of the preceding claims wherein the container erects to a form substantially as herein described with reference to Figures 1A through 3.

9. A machine line for erecting (at least in part) two types of container, the machine line being adapted in one mode to define a container, said container being erected or erectable from at least

5 a first blank to define a side wall type bliss container wrap component to define a rectangular base panel and end wall panels dependent therefrom, the base and each end wall panel having laterally (lateral with respect to the elongate axis of the base) extending flaps to allow the first blank's use as a side wall bliss container wrap component,

a second blank to define a full height side wall panel and a partial yet full height end wall attachment and/or reinforcement panel at each end of the side wall panel,

10 a third blank similar to the second blank, and

the machine being adapted in a second mode to define a container, said container being erected or erectable from at least

15 a first blank to define a side wall type bliss container wrap component to define a rectangular base panel and end wall panels dependent therefrom, the base and each end wall panel having laterally (lateral with respect to the elongate axis of the base) extending flaps to allow the first blank's use as a side wall bliss container wrap component,

a second blank to define a full height side wall panel and a partial yet full height end wall attachment and/or reinforcement panel at each end of the side wall panel, and

a third blank similar to the second blank,

20 and wherein, in each of the modes, the container is adapted to be closed (once filled) by a fourth blank to define a lidding panel with attachment flaps to extend and adhesively be affixed to the top of the end wall panels and the side wall panels,

and wherein, in the first mode, the construction of the second and third blanks is more substantial than in the second mode with respect to

25

- 1) the extent of the end wall attachment and/or reinforcement panel at each end of the side wall panel,
- 2) the material from which the second and third blanks are formed, or
- 3) both (1) and (2).

30 10. A machine of claim 9 wherein either or both defined container(s) is adapted for transporting frozen meat or like frozen product(s).

11. A machine line of claim 9 or 10 which is in or includes a fill line.
12. A machine line of claim 11 which first erects (at least in part) a carcase of first, second or third blanks, fills the carcase, and closes it with a fourth blank.
13. A machine line of any one of claims 9 to 12 which in each mode the first blank is identical.
5
14. A machine line of any one of claims 9 to 13 which the modes of erection involves the use of hot melt adhesive.
15. A machine line of claim 9 or 10 which each container is adapted to be filled with its intended content before the machine line or some separate apparatus attaches any part of the fourth blank thereto.
10
16. A machine line of claim 15 which the fourth blank is affixed by use of not melt adhesive.
17. A machine line of claim 9, in said first mode, defines is a container as claimed in any one of claims 1 to 8.
15
18. A machine line of claim 9 or 17, in the second mode defines a container when the fourth blank is fitted thereto;
 - (A) without the lidding panel having at least in part perforate and/or frangible zones to encourage tear opening thereof; and
 - (B) preferably without both the structural strength of the material from which the second and third blanks of the first mode are formed and without the end wall attachment and/or reinforcement panels extending inwardly as far as in the first mode.
20
19. A machine line of any one of claims 9 to 18 which such panels substantially or more or less meet at the central axis of the container in a first mode container whereas, in the second mode container, they are merely relatively small intrusions towards the centre (i.e. they do not confer any substantial reinforcement near that provided in the first mode).
25
20. A machine line of any one of claims 9 to 19 in which the container of the second mode is substantially of a form as hereinafter described with reference to Figures 2A to 2D.
21. **In combination**, the blanks of a mode 1 and/or a mode 2 container as claimed in any one of claims 1 to 8.

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22. In combination, a mode 1 and/or a mode 2 type of container set of blanks as defined in any one of claims 1 to 8 and a machine capable of erecting at least the carcase of one or both modes.

23. A fill line which includes in the fill line a machine line adapted first to erect a carcase to be filled of a mode 1 and/or mode 2 type container of any one of claims 9 to 20 and, post filling, to allow the fitting of the lidding feature thereto.

24. In any machine line, the capability of erecting to the extent required for filling with produce any container or container sub-assembly of the two types herein described with reference to any one or more of the accompanying drawings and thereafter lidding each such container or container sub-assembly when so filled.

25. A pack produced from blanks in accordance with any one of claims 1 to 8 using a machine line of any one of claims 9 to 20.